

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

V. )

JEREMY HORTON, )

Defendant. )

4:08CR3005

**MEMORANDUM AND ORDER**

This matter is before the court on the Magistrate Judge's Recommendation ([filing 49](#)) that Defendant's motion to suppress ([filing 26](#)) be granted and the objections to the Recommendation ([filing 52](#)), filed as allowed by 28 U.S.C. § 636(b)(1)(C).

I have conducted, pursuant to 28 U.S.C. § 636(b)(1), a de novo review of the portions of the Report, Recommendation, and Order to which objections have been made. Inasmuch as Judge Piester has fully, carefully, and correctly applied the law to the facts, I need only state that the Recommendation should be adopted, Plaintiff's objections to the Recommendation should be denied, and Defendant's motion to suppress should be granted.

IT IS ORDERED:

1. The Magistrate Judge's Recommendation ([filing 49](#)) is adopted;
2. Plaintiff's objections to the Recommendation ([filing 52](#)) are denied; and
3. Defendant's motion to suppress ([filing 26](#)) is granted.

June 30, 2009.

BY THE COURT:  
*s/Richard G. Kopf*  
United States District Judge